

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Respondent)	
)	
v.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER,)	
)	
Defendant/Movant.)	

**UNITED STATES' RESPONSE IN OPPOSITION TO MR. SPRINGER'S
MOTION TO STRIKE (DOCKET NUMBER 522)**

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Jeffrey Gallant, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Mr. Springer's fifteen-page Motion to Strike (Doc. No. 522). The pleading Mr. Springer seeks to have stricken, the United States' Preliminary Response Regarding Lindsey Springer's Motion for Relief Under 28 U.S.C. §2255 (Doc. Nos. 472 - 475) Concisely Listing Those Grounds For Relief That Should Be Stricken or Dismissed, is signed by an authorized representative of the United

States and complies with the Court's March 15, 2013 Order directing the United States to file a preliminary response (Doc. No. 478).

With respect to the above-captioned case, the undersigned represented the United States of America during the grand jury investigation, at trial, and during Mr. Springer's appeal from his conviction. Pursuant to Title 28, United States Code Section 515(a) and Title 28, Code of Federal Regulations Section 0.13(a), Deputy Assistant Attorney General John A. Marrella of the United States Department of Justice, Tax Division authorized the undersigned to represent the United States with respect to this investigation and prosecution by letter dated December 23, 2008.

By letter dated January 5, 2009, United States Attorney David E. O'Meilia appointed the undersigned as a Special Assistant United States Attorney for the Northern District of Oklahoma. The United States Attorneys for the Northern District of Oklahoma have extended the undersigned's appointment as a Special Assistant United States Attorney by letters dated January 4, 2010, January 4, 2011, January 10, 2012, and most recently by United States Attorney Danny C. Williams, Sr. in a letter dated December 19, 2012. Mr. Springer's rhetoric does not change the fact that the undersigned has been and remains authorized to represent the United States of America.

Mr. Springer's claim that the Government's Preliminary Response (Doc. No. 518) does not comply with the Court's March 15, 2013 Order (Doc. No. 478) is simply wrong. Mr. Springer states "First, Doc 518 is clearly not signed by an authorized representative

of the Government . . . according to any Federal Statute or the Constitution . . .” As addressed above, this assertion is incorrect.

Mr. Springer next claims that “Doc 518 is not in compliance with Judge Friot’s directive dated March 15, 2013 . . . [and that the United States’ response is] “unresponsive and confusing.” Mr. Springer’s Motion to Strike (Doc. No. 522) at 14. Again, Mr. Springer is in error. In the order dated March 15, 2013, the Court noted that in 271 pages of material Mr. Springer asserted 76 separate grounds for relief, many of which “would appear to have been previously litigated and adjudicated in the underlying criminal proceedings, or which could have been asserted in those proceedings.” Consistent with the Court’s direction, the United States summarized Mr. Springer’s voluminous submissions in a ten page responsive pleading sorting Mr. Springer’s 76 grounds for relief into twenty different issue categories, with a 53-page attachment identifying specifically where Mr. Springer’s asserted 76 separate grounds for relief had, or had, not been raised in the underlying proceedings.¹ The United States’ submission concisely lists, with supporting record citations, those grounds for relief that should be stricken or dismissed because they are procedurally barred.

¹ In his Motion to Strike, Mr. Springer asserts that he “has received no attachments . . .” Doc. No. 522 at 13. As indicated in the Certificate of Service, on September 9, 2013, the United States mailed both the preliminary response and the attachment to Mr. Springer at the Federal Correctional Institution in Big Spring, Texas. Nevertheless, on October 9, 2013, the United States resent copies of both the preliminary response and attachment, this time to Mr. Springer at the Federal Correctional Institution in El Reno, Oklahoma.

For the reasons stated above, the United States respectfully requests that the Court deny Mr. Springer's Motion to Strike (Doc. No. 522).

DATED: 24 October 2013

Respectfully submitted,

DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly

CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal Mail, to:

Lindsey Kent Springer
Defendant
FCI El Reno
Federal Correctional Institution
P.O. Box 1500
El Reno, OK 73036
Inmate Number 02580-063.

/s/ Charles A. O'Reilly

Charles A. O'Reilly
Special Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

V.)

Case No. 09-CR-043-SPF

LINDSEY KENT SPRINGER,)

Defendant.)

ORDER

Defendant Lindsey Kent Springer's Motion to Strike (Docket No. 522) is denied.

DATED _____

STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE